



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Kiwana Edwards, *et al.*, Senior Community Program Specialist (PS4284K), Department of Human Services

Examination Appeals

CSC Docket Nos. 2019-183, *et al.*

ISSUED: SEPTEMBER 7, 2018 (SLK)

Kiwana Edwards, Donnett Jones, Lokia Kelly and Opal Payne appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirements for the promotional examination for Senior Community Program Specialist (PS4284K), Department of Human Services. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the March 22, 2018 closing date. The education requirement was a Bachelor's degree. The experience requirements were two years of program delivery experience in providing education, habilitative, or social services in programs for the developmentally disabled. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis with 30 semester hour credit being equal to one year of experience. A Master's degree in Social Work, Education, Psychology, Nursing or related areas may be substituted for one year of required experience. A total of 17 employees applied for the subject examination which resulted in a list of five eligibles with an expiration date of August 29, 2021. It is noted that the subject list has not yet been certified. Further, the five eligibles and the four appellants are serving provisionally in the subject title.

Agency Services credited Edwards for her Bachelor's degree and 11 months of experience based on her provisional service in the subject title from May 2017 to the March 22, 2018, but did not credit her for experience as a Cottage Training

Technician from June 2006 to May 2017 or any other State service experience starting in March 2002. Therefore, it determined that she lacked one year and one month of experience.

Agency Services credited Jones for her Master's degree in Psychology, but did not credit her for her provisional experience in the subject title from July 2017 to the March 22, 2018 closing date¹, her experience as an Instructor Counselor from July 2007 to July 2017 or any other State service experience starting in May 1992. Therefore, it determined that she lacked one year of experience.

Agency Services credited Kelly for her Bachelor's degree and eight months of experience based on her provisional service in the subject title from August 2017 to the March 22, 2018, but did not credit her for experience as a Cottage Training Technician from June 2006 to August 2017 or any other State service experience starting in February 2002. Therefore, it determined that she lacked one year and four months of experience.

Agency Services credited Payne for her Master's degree in Professional Counseling and 11 months of experience based on her provisional service in the subject title from May 2017 to the March 22, 2018, but did not credit her for Rehabilitation Counselor, Mental Health experience from December 2012 to May 2012 or any private sector experience starting in January 2003. Therefore, it determined that she lacked one month of experience.

On appeal, Edwards and Kelly describe their duties in detail as a Cottage Training Technician, Jones describes her duties in detail as an Instructor Counselor and Payne describes her duties in detail as a Rehabilitation Counselor, Mental Health and in other titles in the private sector. The appellants assert that they performed the required duties in these titles.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants did not meet the required experience requirements as the appellants were not performing program delivery duties in the required areas except while serving provisionally in

¹ Jones did not receive credit for her provisional service in the subject title as she copied the job specification for this title on her application and did not use her own words to describe her actual duties. It is noted that even if she had been credited, she would still lack three months of the required experience as of the closing date.

the subject title. However, it cannot be ignored that the appellants, in various titles, worked directly with developmentally disabled individuals to use delivered education, habilitative, or social services programs for more than the required time frame. Further, the appellants continue to serve provisionally in the subject title performing the required duties. Additionally, as there are nine employees provisionally serving in the subject title and there are only five names on the eligible list, the list is incomplete for the appointing authority to make permanent appointments to all potential positions in the subject title. Therefore, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the totality of the appellants' work experience, for eligibility purposes only, in order to admit them to the subject examination.

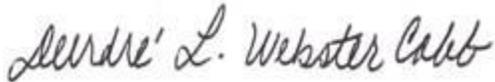
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted and Kiwana Edwards, Donnett Jones, Lokia Kelly and Opal Payne should be scheduled for a make-up examination as soon as possible. If an appellant achieves a passing score, her name should be added to the eligible list for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5th DAY OF SEPTEMBER, 2018



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 Donnett Jones, 2019-156
 Lakia Kelly, 2019-196
 Opal Payne, 2019-163
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